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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/064,289	06/28/2002	Charles Edward Kuhlmann	RAL920010029	4433
25299	7590	07/21/2004	EXAMINER	
IBM CORPORATION PO BOX 12195 DEPT 9CCA, BLDG 002 RESEARCH TRIANGLE PARK, NC 27709			AKERS, GEOFFREY R	
			ART UNIT	PAPER NUMBER
			3625	

DATE MAILED: 07/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/064289

Applicant(s)

Kuhlmann

Examiner

Akers, g

Group Art Unit

3625

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- ☒ Responsive to communication(s) filed on 2/19/04
- ☒ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1-13, 15-20 is/are pending in the application.
- ☐ Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1-13, 15-20 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
  - ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
  - ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_
  - ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☐ Interview Summary, PTO-413
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other \_\_\_\_\_

Office Action Summary

## **DETAILED ACTION**

### ***Response to Amendment***

1. This action is issued in response to applicant's amendment dated 3/19/04.
2. Claims 1-2,9-10,15,17 were amended. Claim 14 was cancelled.
3. Claims 1-13,15-20 as amended are pending.

### ***Claim Rejections - 35 USC § 103***

4. Claims 1-13 and 15-20 are rejected under 35 USC 103(a) as unpatentable over Henson(US Pat. No:6,167,383) in view of Salvo(US Pat. No: 6,341,271). The rejections as stated in the Office Action(Paper #4) dated 12/23/03 are maintained.

### ***Response to Arguments***

5. Applicant's arguments have been considered but are not persuasive. Henson teaches a method for optimizing a product order(col 4 lines 41-52).Henson does teach long lead time delivery(col 6 line 44-col 7 line 21)(col 14 line 62-col 15 line 24).There is no inference that component is not a factor in long lead time delivery. Salvo teaches an inventory management system that includes the step of monitoring the manufacturer's inventory supply in real time to determine if a component is unavailable and determining an appropriate supplier and placing an order for the component(col 11 lines 18-37)(Abstract)(Fig 2/229/227)(col 2 line 56-61)(col 3 lines 8-22).Henson teaches providing long lead time delivery information(col 6 line 44-col 7 line 21) and a reporting process with an indicator(col 15 lines 10-11)which at least in part depends on component availability which affects such lead times because component availability would indeed produce a warning indication in the teachings of Henson. Additionally,

Henson reports immediately to the user of any shipment delays(col 7 lines 17-20) as well as shipping information (Fig 9) from a site. Additionally, Salvo teaches inventory levels at a defined manufacturing site(col 3 line 45).Henson further teaches offering the customer at least one order option in real time(Fig 4/82)(Fig 5/92).

**Conclusion**

**6. THIS ACTION IS MADE FINAL.**

Applicant's amendment necessitated additional grounds for rejection.

7. Any questions concerning this communication should be addressed to the primary examiner of record, Dr. Geoffrey Akers, P.E., who can be reached between 6:30 AM and 5:00 PM Monday through Friday at 703-306-5844. If attempts to contact the primary examiner are unsuccessful, the primary examiner's superior, Mr. Vincent Millin, SPE, may be telephoned at (703)-308-1065.

The fax number for Formal or Official faxes and Draft or Informal faxes to Technology Center 3600 or this Art Unit is (703)-308-3687. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)-308-1113.

July 17,2004



DR. GEOFFREY R. AKERS, P.E.  
PRIMARY EXAMINER